

MONTANA ASSOCIATION OF PLANNERS  
Legislative Committee  
2013 Legislative Session

**Summary comments regarding: SB 23** "AN ACT REVISING COUNTY INTERIM ZONING REQUIREMENTS AND PROCEDURES; REQUIRING A COUNTY TO INITIATE A STUDY OR INVESTIGATION TO VERIFY THE EXISTENCE OF AN EMERGENCY; LIMITING A RESOLUTION FOR AN INTERIM ZONING DISTRICT OR INTERIM REGULATION TO 182 DAYS FROM THE DATE IT BECOMES EFFECTIVE; ELIMINATING THE SPECIFICATION OF EXIGENT CIRCUMSTANCES; REQUIRING CERTAIN PROCEDURES FOR THE EXTENSION OF A RESOLUTION FOR AN INTERIM ZONING DISTRICT OR INTERIM REGULATION; AND AMENDING SECTION 76-2-206, MCA."

**House Local Government Committee; March 5, 2013**

**This bill is opposed by MAP for the following reasons:**

Counties must have a means of dealing with unanticipated events that are not in the best interests of public safety, health and welfare and which may only be addressed through zoning. This authority is already in place in §76-2-206, MCA. As professional planners serving the state of Montana, we are not aware of widespread issues across the state regarding the law as it stands now. We encourage Montana lawmakers to not alter the law to address an isolated issue or unique situation and therefore oppose SB 23.

- Many Montana counties have minimal levels of professional staffing, or none at all, for their planning functions. This makes it extremely difficult or even impossible for these local governments to stay abreast of policies, programs, and regulations that could be used to manage growth-related issues. Therefore, when unanticipated growth or development occurs, emergency situations in water, sewer, roads, schools, law enforcement, and emergency services can---and do---follow. And when this happens, many Montana local governments have used the interim zoning district provision of the MCA to work with service providers, developers, and the community at large to solve service, sanitation, and infrastructure problems before they become serious threats to the public health, safety, and general welfare.
- If the interim zoning provisions are rendered unusable by amendments to the existing legislation that enable local governments to respond to service and infrastructure emergencies, Montana citizens will lose a valuable tool that allows them to have a say as to when and how tax dollars are spent on growth related issues and challenges.
- Reducing the amount of time for which an interim district or regulation may be enacted from one year to 182 days combined with the super-majority needed to extend the interim zoning would make it impossible in some cases to provide for adequate public review and process to establish permanent zoning, if needed. Should a sanitation investigation, growth policy, zoning code, permit system, neighborhood plan, etc. be required to

1. The first part of the document is a letter from the President of the United States to the Secretary of the Navy, dated 18th March 1899. The letter is signed by William McKinley and is addressed to John D. Long. The letter discusses the appointment of a new Secretary of the Navy and the importance of the position.

address the emergency, none of these things can be reasonably and fairly produced and adopted, with meaningful community involvement, in six months. The process of providing public participation is essential to land use planning in Montana and is something communities in the state pride themselves on for inclusionary decision making.

- The requirement for unanimous approval of commissions with three present and voting members to extend interim zoning beyond the 182 days would affect 53 of Montana's 56 counties. There is no comparable unanimous requirement for municipalities when the vote to extend interim zoning. The comparable municipal requirement is 2/3 vote. In the assessment of MAP , current provisions of the MCA that allow for interim zoning districts or regulations work well, serve a legitimate and necessary purpose, and have not been abused by local government in Montana. We urge members of the House Local Government Committee to reject SB 23.